

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96948

David George GORDON

Appln. No.: 10/593,469

Group Art Unit: Not Yet Assigned

Confirmation No.: 2757

Examiner: Not Yet Assigned

Filed: September 19, 2006

For: REPROGRAMMING A NON-VOLATILE SOLID STATE MEMORY SYSTEM

STATEMENT OF FACTS

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I, Stephen Haley, residing in the United Kingdom, declare and state as follows:

1. I am a British Patent Attorney and Partner of Gill, Jennings & Every LLP, and have firsthand knowledge of the following facts.
2. My responsibilities at Gill, Jennings & Every LLP included preparing a patent application for an invention entitled REPROGRAMMING A NON-VOLATILE SOLID STATE MEMORY SYSTEM, in which Mr. David George Gordon (hereinafter "Mr. Gordon") is the sole named inventor and who, at the time, was an employee of Panasonic Mobile Communications Development Laboratory ("PMDL"), a division of Matsushita Electric Europe, Ltd., which is a division of Matsushita Electric Industrial Co., Ltd. ("MEI"), the Applicant for the subject U.S. national stage patent application.

3. A patent application for the invention was filed in the United Kingdom (i.e., Great Britain Patent Application No. 0406237.8) on March 19, 2004. A subsequent international patent application (International Application No. PCT/GB05/000788) for this invention was filed on March 2, 2005, with the Applicant of the present application, Matsushita Electric Industrial Co., Ltd., named as the applicant of the International Application. The International Application was published as International Patent Publication No. WO2005/091303A1, the cover page of which is attached as Exhibit 1. A U.S. national stage application for this invention was filed in the U.S. Patent and Trademark Office on September 19, 2006 without an oath or declaration and received U.S. Application No. 10/593,469.

4. Mr. Gordon signed an Invention Disclosure and Acknowledgement of Ownership Agreement which is attached as Exhibit 2, acknowledging that MEI is the sole owner of the entire right, title, and interest in and to the invention.

5. Further, under United Kingdom Patent Law, when an invention is made under the course of an employee's normal duties or in course of duties falling outside his normal duties, but specifically assigned to him, and the circumstances in either case are such that an invention might reasonably be expected to result from the carrying out of his duties, the resulting invention is taken to belong to the employee's employer under section 39 (1) of the United Kingdom Patents Act 1977. Since Mr. Gordon was under the employment of PMDL at the time of the invention, under the United Kingdom Patent Law, the rights to the resulting invention are the property of the Applicant.

6. After receiving the "Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US)" in the present application, I sent a

copy of the National Stage Application (i.e., the specification including the claims and drawings), to Mr. Gordon at his last known address, along with a Declaration and Power of Attorney ("Declaration") and instructions for him to execute the Declaration.

7. Mr. Gordon responded, via return letter, on May 1, 2008, a copy of which is attached as Exhibit 3. In that letter Mr. Gordon acknowledges that he received my letter containing a copy of the U.S. national stage application and the Declaration. Mr. Gordon also indicates in that letter he will sign the papers necessary to prosecute the subject U.S. patent application only if he is paid an unspecified amount of money.

8. Mr. Gordon then sent me a second letter dated July 11, 2008, a copy of which is attached as Exhibit 4. In that second letter Mr. Gordon unequivocally indicates he will not sign the papers necessary to prosecute the U.S. national stage application. Mr. Gordon indicates that his unwillingness to sign such papers stems from his discharge from employment at PMDL.

9. The last known mailing address at which Mr. Gordon customarily receives mail, which also appears at the top of his letter of July 11, 2008, is:

37, Feld Way
Basingstoke,
Hampshire,
RG24 8UW, United Kingdom


An alternative form of Mr. Gordon's mailing address, which appears at the top of his letter of May 1, 2008, is:

37, Feld Way
Lychpit,
Basingstoke,
Hants,
RG24 8UW, United Kingdom

10. The present application was filed on September 19, 2006, within thirty (30) months of when Great Britain Patent Application No. 0406237.8 was filed on March 19, 2004, from which the International Application claims priority. The filing of the present National Stage application is necessary to preserve the rights of the Applicant to claim priority to March 19, 2004.

11. As of today, I have not received an oath or declaration for the subject application signed by Mr. Gordon.

Date: 11 SEPT 2008



Stephen Haley
Gill, Jennings & Every, LLP